

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

KATHERINE BENTON

Debtor

CASE NO: 17-01668-JW

(CHAPTER 13)

**NOTICE OF MOTION TO DISMISS CHAPTER 13 CASE AND POSSIBLE HEARING**

James M. Wyman, the Chapter 13 Trustee, has filed papers with the court to dismiss this Chapter 13 case .

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to dismiss this Chapter 13 case , or if you want the court to consider your views on the motion to dismiss, then on or before twenty-one (21) days from the date of service, you or your attorney must:

File with the court a written response explaining your position at:

U.S. Bankruptcy Courthouse  
J. Bratton Davis  
1100 Laurel Street  
Columbia, SC 29201-2423

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also send a copy to:

James M. Wyman  
Office of the Chapter 13 Trustee  
P.O. Box 997  
Mt. Pleasant, SC 29465-0997

If a response is filed, a hearing will be held on September 06, 2018 at 9:30 am at 145 King Street, Room 225, Charleston, SC 29401.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: August 03, 2018

/s/ Kimberly Lamontagne

PO Box 997  
Mt. Pleasant, SC 29465-0997  
Phone: (843) 388-9844  
Fax: (843) 388-9877  
Email: 13office@charleston13.com

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

KATHERINE BENTON

Debtor

CASE NO: 17-01668-JW

(CHAPTER 13)

**TRUSTEE'S MOTION TO DISMISS CHAPTER 13 CASE FOR  
NON-PAYMENT WITH PREJUDICE FOR A PERIOD OF ONE  
YEAR**

NOW COMES the Chapter 13 Trustee in this case and alleges:

1. This court has jurisdiction over this matter under 28 U.S.C. Section 1334 and 11 U.S.C. Section 1307(c)(5).
2. The Debtor in this case has not made the required payments under the plan .
3. Debtor is/are past due **\$520.00** as of **July 2018**. The Trustee requests that the Debtor cure the delinquency as follows:

Payments as follows to be received by the Trustee by the end of the following months:

August 2018	at \$260.00
September 2018	at \$347.00
October 2018	at \$347.00
November 2018	at \$347.00
December 2018	at \$347.00
January 2019	at \$347.00
February 2019	at \$347.00

Resume regular monthly payments of \$260.00 beginning **March 3, 2019**.

4. If the Debtor is currently or in the process of having Trustee payments automatically debited from a paycheck, checking, or savings accounts, **ONLY** the Debtor(s) regular monthly payment can be deducted. Debtor are responsible for sending in the **EXTRA** payments needed to bring the case current .
5. The Trustee requests that should the Debtor fail to cure the delinquency as set forth above , that an order be entered dismissing the case.
6. Additionally, a prior Order of this Court requires that if this case is dismissed for any reason , it would be dismissed with prejudice for a period of ONE YEAR. Therefore, the Trustee not only moves for the dismissal of this case, but that such dismissal be with prejudice for a period of ONE YEAR , during which time the Debtor shall be prohibited from filing another Chapter 11 , 12, or 13 bankruptcy petition.

Dated: August 03, 2018

/s/ James M. Wyman

James M. Wyman  
Chapter 13 Trustee  
PO Box 997  
Mt. Pleasant, SC 29465-0997  
Phone: (843) 388-9844  
Fax: (843) 388-9877  
Email: 13office@charleston13.com

17-01668-JW

**CERTIFICATE OF SERVICE**

I did this date serve the attached document(s) on the parties listed below by placing the same in the United States mail with proper postage affixed thereto and addressed as follows :

KATHERINE BENTON  
8446 MIDDLE RIVER WAY  
NORTH CHARLESTON, SC 29420

ELIZABETH M ATKINS ESQ  
778 ST. ANDREWS BLVD.  
CHARLESTON, SC 29407-0000

Date: August 03, 2018

/s/ Kimberly Lamontagne

Kimberly Lamontagne  
PO Box 997  
Mt. Pleasant, SC 29465-0997  
Phone: (843) 388-9844 x 302  
Fax: (843) 388-9877  
Email: 13office@charleston13.com